

12-26-07

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Art Unit: 1641 :  
Examiner: Lisa V. Cook :  
In re Application of: : DIFFERENCE DETECTION  
Minden, et al. : METHODS USING MATCHED  
Serial No.: 10/713,861 : MULTIPLE DYES  
Filing Date: November 14, 2003 :

**Mail Stop: Amendment**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EB616631195US

Date of Deposit December 20, 2007

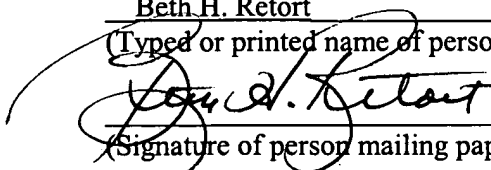
I hereby certify that the following attached paper or fee

**AMENDMENT TRANSMITTAL**  
**RESPONSE TO OFFICE ACTION**  
**DECLARATION OF JONATHAN S. MINDEN UNDER 37 C.F.R. § 1.131**  
**(With attachment)**

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Beth H. Retort

(Typed or printed name of person mailing paper or fee)

  
(Signature of person mailing paper or fee)



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AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is

☐ A statement that this filing is by a small entity is hereby asserted  
in accordance with the rule change effective September 8, 2000, 65 Fed. Reg.  
54603.

☒ other than a small entity.

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☐ deposited with the United States Postal  
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Alexandria, VA 22313-1450

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☐ transmitted by facsimile to the  
Patent and Trademark Office.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(type or print name of person certifying)

## EXTENSION OF TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136  
(fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

| <u>Extension<br/>(months)</u>         | <u>Fee for other than<br/>small entity</u> | <u>Fee for<br/>small entity</u> |
|---------------------------------------|--|---------------------------------|
| <input type="checkbox"/> one month    | \$ 120.00                                  | \$ 60.00                        |
| <input type="checkbox"/> two months   | \$ 460.00                                  | \$230.00                        |
| <input type="checkbox"/> three months | \$1,050.00                                 | \$525.00                        |
| <input type="checkbox"/> four months  | \$1,640.00                                 | \$820.00                        |

**Fee:** \$ \_\_\_\_\_

If an additional **extension** of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

| (Col. 1)   |     | (Col. 2)                             |      | (Col. 3)         | SMALL ENTITY           |               |    | OTHER THAN A<br>SMALL ENTITY |               |
|--|-----|--------------------------------------|------|------------------|------------------------|---------------|----|------------------------------|---------------|
| CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT                          |     | HIGHEST NO<br>PREVIOUSLY<br>PAID FOR |      | PRESENT<br>EXTRA | RATE                   | ADDIT.<br>FEE | OR | RATE                         | ADDIT.<br>FEE |
| TOTAL  | 37• | MINUS                                | 37•• | =0               | X25=                   | \$0           |    | X50=                         | \$0           |
| INDEP.   | 5•  | MINUS                                | 5••• | = 0              | X105=                  | \$0           |    | X210=                        | \$0           |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |     |                                      |      |                  | +185=                  | \$            |    | +370=                        | \$0           |
|  |     |                                      |      |                  | TOTAL<br>ADDIT.<br>FEE | \$0           | OR | TOTAL<br>ADDIT.<br>FEE       | \$0           |

- If the entry in Col. 1 is less than entry in Col. 2, write "j" in Col. 3.
- If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20."
- If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3."  
The "Highest No. Previously Paid for" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR § 1.116(a) (emphasis added).

Complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

**OR**

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

## FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ \_\_\_\_\_

☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

A duplicate of this transmittal is attached.

## FEE DEFICIENCY

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No.

11-1110.

## AND/OR

7. ☒ If any additional fee for claims is required, charge Account No.

11-1110.

  
SIGNATURE OF ATTORNEY

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Art Unit: 1641

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Serial No.: 10/713,861

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DIFFERENCE DETECTION  
METHODS USING MATCHED  
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RESPONSE TO OFFICE ACTION

December 20, 2007

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the non-final Office Action dated September 24, 2007 in the above referenced application ("subject application"). Applicants respectfully request consideration of the remarks presented herein for further examination of the subject application.

A Listing of the Claims begins on Page 2 of this Response.

Remarks begin on Page 10 of this Response.